IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

SECOND APEPAL NO.1421 OF 2005

WITH

CIVIL APPLICATION NO.2020 OF 2005

Alka Kisan Bansode. ...Appellant

Vs.

Anand Ganu Kamble.
since deceased by his heirs
Shevanta Ganu Kamble & Ors. ...Respondents.

.....

Mr.Amit Borkar for the Appellant.

.....

CORAM : DR.D.Y.CHANDRACHUD, J.

December 14, 2005.

P.C. :

The Second Appeal does not raise a substantial question of law. Both the Courts below have concurrently held that the Appellant, original Plaintiff, has failed to establish her exclusive possession over the land which forms the subject matter of the suit or that there was a severance of

joint status. The property was originally owned by one Ganu who had two sons and five daughters. After the death of Ganu, the interest in the property devolved upon the father of the Plaintiff and the First and Second Defendants. In these circumstances, no injunction could be issued against the co-owners. There is no merit in the Second Appeal which is accordingly dismissed.

In view of the disposal of the appeal, the Civil Application does not survive and is accordingly disposed of.